IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8247 OF 2004

Shri Anil Janardhan Mangle ... Petitioner

v/s

Sau Usha Kisandas Gujar ... Respondent

Ms Smita Mane i/b Mr Prafulla B. Shah for Petitioner.

Mr A.P. Kulkarni for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 20TH JULY 2005.

P.C. :-

1. The only request that is made by the learned counsel for petitioner is that the petitioner should be given one year's time to vacate the suit premises. The request is not opposed by the learned counsel appearing for respondent - decree holder. But, according to him, the petitioner should pay uptodate arrears of lease money from January 1982 within a period of four weeks from today at the rate of Rs.36/- p.m. In this view of the matter therefore, the writ petition is disposed off in following terms.

2. The decree of eviction passed against the petitioner shall not be executed for a period of one year from today subject to usual terms and conditions. One of the special term of this order is that within a period of four weeks from today, the petitioner shall pay to the respondent - decree holder arrears of rent from January 1982 upto 31st July 2005 at the rate of Rs.36/- p.m. and the petitioner shall submit undertakings which are required to be submitted under the usual terms and conditions within a period of four weeks from today. In case the petitioner fails to pay arrears of rent as directed above or fails to submit undertakings as directed above, this order shall cease

to operate and the decree holder shall be free to execute the decree immediately. Petition is disposed off.

. Parties to act on the copy of this order duly authenticated by the Sheristedar / Personal Secretary of this Court as true copy.

. Certified copy expedited.